

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by November 26, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: September 16, 2019.

Gregory Sopkin,

Regional Administrator, Region 8.

[FR Doc. 2019–20380 Filed 9–26–19; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0189; FRL–9997–88–Region 6]

Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze Federal Implementation Plan Revisions; Withdrawal of Portions of the Federal Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending a Federal Implementation Plan (FIP) that addresses regional haze for the first planning period for Arkansas as it applies to the best available retrofit technology (BART) requirements for sulfur dioxide (SO₂) and particulate matter (PM) for seven electric generating units (EGUs) in Arkansas and the SO₂ requirements under the reasonable progress provisions. These portions of the FIP will be replaced by the portions of a revision to the Arkansas State Implementation Plan (SIP) that we are taking final action to approve in a separate rulemaking that is published elsewhere in this issue of the **Federal Register**.

DATES: This final rule is effective October 28, 2019.

ADDRESSES: The EPA has established a docket for this action under Docket No.

EPA–R06–OAR–2015–0189. All documents in the dockets are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the EPA Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270–2102.

FOR FURTHER INFORMATION CONTACT:

Dayana Medina, (214) 665–7241; medina.dayana@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document wherever “we,” “us,” or “our” is used, we mean the EPA.

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- I. What is the background for this action?
- II. What Final action is EPA taking?
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I. What is the background for this action?

Arkansas submitted a SIP revision on September 9, 2008, to address the requirements of the first regional haze implementation period. On August 3, 2010, Arkansas submitted a SIP revision with mostly non-substantive revisions to Arkansas Pollution Control and Ecology Commission (APCEC) Regulation 19, Chapter 15.¹ On September 27, 2011, the State submitted supplemental information to clarify several aspects of the September 9, 2008 submittal. We are hereafter referring to these regional haze submittals collectively as the “2008 Arkansas Regional Haze SIP.” On March 12, 2012, we partially approved and partially disapproved the 2008 Arkansas Regional Haze SIP.² On September 27, 2016, in accordance with Section 110(c)(1) of the CAA, we promulgated a FIP (the Arkansas Regional Haze FIP) addressing the disapproved portions of

¹ The September 9, 2008 SIP submittal included APCEC Regulation 19, Chapter 15, which is the state regulation that identified the BART-eligible and subject-to-BART sources in Arkansas and established BART emission limits for subject-to-BART sources. The August 3, 2010 SIP revision did not revise Arkansas’ list of BART-eligible and subject-to-BART sources or revise any of the BART requirements for affected sources. Instead, it included mostly non-substantive revisions to the state regulation.

² 77 FR 14604.

the 2008 Arkansas Regional Haze SIP.³ Among other things, the FIP established SO₂, nitrogen oxide (NO_x), and PM emission limits under the BART requirements for nine units at six facilities: Arkansas Electric Cooperative Corporation (AECC) Bailey Plant Unit 1; AECC McClellan Plant Unit 1; the American Electric Power/Southwestern Electric Power Company (AEP/SWEPCO) Flint Creek Plant Boiler No. 1; Entergy Arkansas, Inc. (Entergy) Lake Catherine Plant Unit 4; Entergy White Bluff Plant Units 1 and 2; Entergy White Bluff Auxiliary Boiler; and the Domtar Ashdown Mill Power Boilers No. 1 and 2. The FIP also established SO₂ and NO_x emission limits under the reasonable progress requirements for Entergy Independence Units 1 and 2.

Following the issuance of the Arkansas Regional Haze FIP, the State of Arkansas and several industry parties filed petitions for reconsideration and a motion for an administrative stay of the final rule.⁴ On April 14, 2017, we announced our decision to reconsider several elements of the FIP, as follows: appropriate compliance dates for the NO_x emission limits for Flint Creek Boiler No. 1, White Bluff Units 1 and 2, and Independence Units 1 and 2; the low-load NO_x emission limits applicable to White Bluff Units 1 and 2 and Independence Units 1 and 2 during periods of operation at less than 50 percent of the units' maximum heat input rating; the SO₂ emission limits for White Bluff Units 1 and 2; and the compliance dates for the SO₂ emission limits for Independence Units 1 and 2.⁵

EPA also published a notice in the **Federal Register** on April 25, 2017, which administratively stayed the effectiveness of the NO_x compliance dates in the FIP for the Flint Creek, White Bluff, and Independence units, as well as the compliance dates for the SO₂ emission limits for the White Bluff and Independence units for a period of 90 days.⁶ On July 13, 2017, the EPA published a notice proposing to extend the NO_x compliance dates for Flint Creek Boiler No. 1, White Bluff Units 1

and 2, and Independence Units 1 and 2, by 21 months, to January 27, 2020.⁷ However, EPA did not take final action on the July 13, 2017 proposed rule because on July 12, 2017, Arkansas submitted a proposed SIP revision with a request for parallel processing (Arkansas Regional Haze NO_x SIP revision or Arkansas NO_x SIP revision). The State's proposed revision addressed the NO_x BART requirements for Bailey Unit 1, McClellan Unit 1, Flint Creek Boiler No. 1, Lake Catherine Unit 4, White Bluff Units 1 and 2, and White Bluff Auxiliary Boiler, as well as the reasonable progress requirements with respect to NO_x. We processed this proposed SIP revision in parallel with the state's SIP approval process and, in a proposed rule published in the **Federal Register** on September 11, 2017, we proposed approval of the Arkansas Regional Haze NO_x SIP revision and withdrawal of the corresponding parts of the Arkansas Regional Haze FIP.⁸ On October 31, 2017, we received ADEQ's final Regional Haze NO_x SIP revision addressing NO_x BART for EGUs and the reasonable progress requirements with respect to NO_x for the first implementation period. On February 12, 2018, we finalized our approval of the Arkansas Regional Haze NO_x SIP revision and our withdrawal of the corresponding parts of the FIP.⁹

On August 8, 2018, Arkansas submitted another SIP revision (Arkansas Regional Haze SO₂ and PM SIP revision or Phase II SIP revision) addressing all remaining disapproved parts of the 2008 Regional Haze SIP, with the exception of the BART and associated long-term strategy requirements for the Domtar Ashdown Mill Power Boilers No. 1 and 2. The Phase II SIP revision also included a discussion on Arkansas' interstate visibility transport requirements. In a proposed rule published in the **Federal Register** on November 30, 2018, we proposed approval of a portion of the SIP revision and we also proposed to withdraw the parts of the FIP corresponding to our proposed approvals.¹⁰ We stated in our proposed rule that we intended to propose action on the portion of the SIP revision discussing the interstate visibility transport requirements in a future proposed rulemaking. Since we proposed to withdraw certain portions of the FIP, we also proposed to revise the numbering of certain paragraphs under section 40 CFR 52.173 of the FIP.

In a final action being published separately in today's **Federal Register**, we are taking final action to approve the Arkansas Regional Haze SO₂ and PM SIP revision.

The background for this final rule and the separate final action also being published today that approves the Arkansas Regional Haze SO₂ and PM SIP revision is also discussed in detail in our November 30, 2018 proposal.¹¹ The comment period was open for 30 days, and we received comments from four commenters in response to our proposed action.

II. What final action is EPA taking?

We are withdrawing the majority of the Arkansas Regional Haze FIP that we promulgated on September 27, 2016. Specifically, we are withdrawing the following components of the FIP at 40 CFR 52.173: The SO₂ and PM BART emission limits for Bailey Unit 1; the SO₂ and PM BART emission limits for McClellan Unit 1; the SO₂ BART emission limit for Flint Creek Boiler No. 1; the SO₂ BART emission limits for White Bluff Units 1 and 2; the SO₂ and PM BART emission limits for the White Bluff Auxiliary Boiler; the prohibition on burning fuel oil at Lake Catherine Unit 4; and the SO₂ emission limits for Independence Units 1 and 2 under the reasonable progress provisions. Therefore, we are removing these SO₂ and PM emission limitations and associated requirements for Arkansas EGUs from 40 CFR 52.173(c), and as of the effective date of this final rule they will no longer apply to the nine aforementioned units. Since we are withdrawing certain portions of the FIP, we are also revising the numbering of certain paragraphs under section 40 CFR 52.173 of the FIP. Our renumbering of these paragraphs is non-substantive in nature. The provisions of the Arkansas Regional Haze FIP addressing the Domtar Ashdown Mill are unaffected by this action and the Domtar Ashdown Mill is the only remaining facility subject to the FIP.

As explained in our November 30, 2018 proposal,¹² this action is based on our separate action being published in today's **Federal Register** to approve the Arkansas Regional Haze SO₂ and PM SIP revision submitted to us on August 8, 2018. In that separate action, EPA is making the determination that the Arkansas Regional Haze SO₂ and PM SIP revision is approvable because the plan's provisions meet the applicable requirements of the CAA and EPA implementing regulations. EPA is

³ 81 FR 66332; see also 81 FR 68319 (October 4, 2016) (correction).

⁴ See the docket associated with this proposed rulemaking for a copy of the petitions for reconsideration and administrative stay submitted by the State of Arkansas; Entergy Arkansas Inc., Entergy Mississippi Inc., and Entergy Power LLC (collectively "Entergy"); AECC; and the Energy and Environmental Alliance of Arkansas (EEAA).

⁵ Letter from E. Scott Pruitt, Administrator, EPA, to Nicholas Jacob Bronni and Jamie Leigh Ewing, Arkansas Attorney General's Office (April 14, 2017). A copy of this letter is included in the docket, <https://www.regulations.gov/document?D=EPA-R06-OAR-2015-0189-0240>.

⁶ 82 FR 18994.

⁷ 82 FR 32284.

⁸ 82 FR 42627.

⁹ 83 FR 5927 and 83 FR 5915 (February 12, 2018).

¹⁰ 83 FR 62204 (November 30, 2018).

¹¹ 83 FR 62204.

¹² 83 FR 62204.

finalizing this action under section 110 and part C of the Act.

III. Responses to Comments Received

We received several comment letters concerning our proposed action, which included both our proposed approval of the portions of the Phase II SIP revision listed in the previous section and proposed withdrawal of the FIP provisions addressing the requirements for which we were proposing SIP approval. EPA did not receive any comments specifically on withdrawal of the FIP provisions; rather, the comments addressed EPA's proposed approval of the SIP provisions that would replace the FIP. Therefore, we have responded to all relevant comments in response to our proposed action in a separate, final notice published elsewhere in this issue of the **Federal Register** that approves the Arkansas Regional Haze SO₂ and PM SIP revision and/or in a separate document titled the "Arkansas Regional Haze Phase II SIP Revision Response to Comments," which can be found in the docket associated with this final rulemaking.¹³ Copies of the comments are also available in the docket for this rulemaking.

V. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <http://www2.epa.gov/lawsregulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This final rule revises a FIP to withdraw source-specific SO₂ and PM emission limits for only six individually identified facilities in Arkansas and is therefore not a rule of general applicability.

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the provisions of the PRA. Burden is

defined at 5 CFR 1320.3(b). This final rule revises a FIP to withdraw source-specific SO₂ and PM emission limits for six individually identified facilities in Arkansas.

D. Regulatory Flexibility Act (RFA)

I certify that this final action will not have a significant economic impact on a substantial number of small entities under the RFA. This final action will not impose any requirements on small entities. This final action revises a FIP to withdraw source-specific SO₂ and PM emission limits that apply to six individually identified power plants in Arkansas.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because this partial FIP withdrawal does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. This final action revises a FIP to withdraw source-specific SO₂ and PM emission limits that apply to six individually identified power plants in Arkansas. There are no Indian reservation lands in Arkansas. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern

environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potentially disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations.

L. Determination Under Section 307(d)

Pursuant to CAA section 307(d)(1)(B), this action is subject to the requirements of CAA section 307(d), as it revises a FIP under CAA section 110(c).

M. Congressional Review Act (CRA)

This rule is exempt from the CRA because it is a rule of particular applicability. EPA is not required to submit a rule report regarding this action under section 801 because this is a rule of particular applicability that only affects six individually identified facilities in Arkansas.

N. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 26, 2019. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

¹³ Please see Docket No. EPA–R06–OAR–2015–0189 in the *regulations.gov* website.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Best available retrofit technology, Incorporation by reference, Intergovernmental relations, Ozone, Particulate Matter, Regional haze, Reporting and recordkeeping requirements, Sulfur Dioxide, Visibility.

Dated: September 9, 2019.

Andrew R. Wheeler,
Administrator.

Title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart E—Arkansas

■ 2. Section 52.173 is amended:

- a. By revising paragraphs (c) introductory text and (c)(1);
- b. In paragraph (c)(2), by revising the definition of “Boiler-operating-day”;
- c. By removing paragraphs (c)(3) through (12) and (22) through (24);
- d. By redesignating paragraphs (c)(13) through (21) as paragraphs (c)(3) through (11) and paragraphs (c)(25) through (27) as paragraphs (c)(12) through (14); and
- f. By revising newly redesignated paragraphs (c)(4), (5), (7), (8), (10), and (11).

The revisions read as follows:

§ 52.173 Visibility protection.

* * * * *

(c) *Federal implementation plan for regional haze.* Requirements for Domtar Ashdown Paper Mill Power Boilers No. 1 and 2 affecting visibility.

(1) *Applicability.* The provisions of this section shall apply to each owner or operator, or successive owners or operators of the sources designated as Domtar Ashdown Paper Mill Power Boilers No. 1 and 2.

(2) * * *

Boiler-operating-day means a 24-hr period between 6 a.m. and 6 a.m. the following day during which any fuel is fed into and/or combusted at any time in the power boiler.

* * * * *

(4) *Compliance dates for Domtar Ashdown Mill Power Boiler No. 1.* The owner or operator of the boiler must comply with the SO₂ and NO_x emission limits listed in paragraph (c)(3) of this section by November 28, 2016.

(5) *Compliance determination and reporting and recordkeeping*

requirements for Domtar Ashdown Paper Mill Power Boiler No. 1. (i)(A) SO₂ emissions resulting from combustion of fuel oil shall be determined by assuming that the SO₂ content of the fuel delivered to the fuel inlet of the combustion chamber is equal to the SO₂ being emitted at the stack. The owner or operator must maintain records of the sulfur content by weight of each fuel oil shipment, where a “shipment” is considered delivery of the entire amount of each order of fuel purchased. Fuel sampling and analysis may be performed by the owner or operator, an outside laboratory, or a fuel supplier. All records pertaining to the sampling of each shipment of fuel oil, including the results of the sulfur content analysis, must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. SO₂ emissions resulting from combustion of bark shall be determined by using the following site-specific curve equation, which accounts for the SO₂ scrubbing capabilities of bark combustion:

$$Y = 0.4005 * X - 0.2645$$

Where:

Y = pounds of sulfur emitted per ton of dry fuel feed to the boiler.

X = pounds of sulfur input per ton of dry bark.

(B) The owner or operator must confirm the site-specific curve equation through stack testing. By October 27, 2017, the owner or operator must provide a report to EPA showing confirmation of the site specific-curve equation accuracy. Records of the quantity of fuel input to the boiler for each fuel type for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of SO₂ from that boiler-operating-day and the preceding 29 boiler-operating-days and dividing the total pounds of SO₂ by the sum of the total number of boiler operating days (*i.e.*, 30). The result shall be the 30 boiler-operating-day rolling average in terms of lb/day emissions of SO₂. Records of the total SO₂ emitted for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling averages for SO₂ as described in this paragraph

(c)(5)(i) must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) If the air permit is revised such that Power Boiler No. 1 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the SO₂ emission limit under paragraph (c)(3) of this section. The compliance determination requirements and the reporting and recordkeeping requirements under paragraph (c)(5)(i) of this section would not apply and confirmation of the accuracy of the site-specific curve equation under paragraph (c)(5)(i)(B) of this section through stack testing would not be required so long as Power Boiler No. 1 is only permitted to burn pipeline quality natural gas.

(iii) To demonstrate compliance with the NO_x emission limit under paragraph (c)(3) of this section, the owner or operator shall conduct stack testing using EPA Reference Method 7E, found at 40 CFR part 60, appendix A, once every 5 years, beginning 1 year from the effective date of our final rule, which corresponds to October 27, 2017. Records and reports pertaining to the stack testing must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives.

(iv) If the air permit is revised such that Power Boiler No. 1 is permitted to burn only pipeline quality natural gas, the owner or operator may demonstrate compliance with the NO_x emission limit under paragraph (c)(3) of this section by calculating NO_x emissions using fuel usage records and the applicable NO_x emission factor under AP-42, Compilation of Air Pollutant Emission Factors, section 1.4, Table 1.4-1. Records of the quantity of natural gas input to the boiler for each day must be compiled no later than 15 days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of NO_x from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_x by the sum of the total number of hours during the same 30 boiler-operating-day period. The result

shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_x. Records of the 30 boiler-operating-day rolling average for NO_x must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives. Under these circumstances, the compliance determination requirements and the reporting and recordkeeping requirements under paragraph (c)(5)(iii) of this section would not apply.

* * * * *

(7) *SO₂ and NO_x Compliance dates for Domtar Ashdown Mill Power Boiler No. 2.* The owner or operator of the boiler must comply with the SO₂ and NO_x emission limits listed in paragraph (c)(6) of this section by October 27, 2021.

(8) *SO₂ and NO_x Compliance determination and reporting and recordkeeping requirements for Domtar Ashdown Mill Power Boiler No. 2.* (i) NO_x and SO₂ emissions for each day shall be determined by summing the hourly emissions measured in pounds of NO_x or pounds of SO₂. Each boiler-operating-day of the 30-day rolling average for the boiler shall be determined by adding together the pounds of NO_x or SO₂ from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_x or SO₂ by the sum of the total number of hours during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_x or SO₂. If a valid NO_x pounds per hour or SO₂ pounds per hour is not available for any hour for the boiler, that NO_x pounds per hour shall not be used in the calculation of the 30 boiler-operating-day rolling average for NO_x. For each day, records of the total SO₂ and NO_x emitted for that day by the boiler must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the 30 boiler-operating-day rolling average for SO₂ and NO_x for the boiler as described in this paragraph (c)(8)(i) must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives.

(ii) The owner or operator shall continue to maintain and operate a CEMS for SO₂ and NO_x on the boiler listed in paragraph (c)(6) of this section in accordance with 40 CFR 60.8 and 60.13(e), (f), and (h), and appendix B of 40 CFR part 60. The owner or operator shall comply with the quality assurance procedures for CEMS found in 40 CFR

part 60. Compliance with the emission limits for SO₂ and NO_x shall be determined by using data from a CEMS.

(iii) Continuous emissions monitoring shall apply during all periods of operation of the boiler listed in paragraph (c)(6) of this section, including periods of startup, shutdown, and malfunction, except for CEMS breakdowns, repairs, calibration checks, and zero and span adjustments. Continuous monitoring systems for measuring SO₂ and NO_x and diluent gas shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period. Hourly averages shall be computed using at least one data point in each fifteen-minute quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant in an hour) if data are unavailable as a result of performance of calibration, quality assurance, preventive maintenance activities, or backups of data from data acquisition and handling system, and recertification events. When valid SO₂ or NO_x pounds per hour emission data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, or zero and span adjustments, emission data must be obtained by using other monitoring systems approved by the EPA to provide emission data for a minimum of 18 hours in each 24-hour period and at least 22 out of 30 successive boiler operating days.

(iv) If the air permit is revised such that Power Boiler No. 2 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the SO₂ emission limit under paragraph (c)(6) of this section. Under these circumstances, the compliance determination requirements under paragraphs (c)(8)(i) through (iii) of this section would not apply to the SO₂ emission limit listed in paragraph (c)(6) of this section.

(v) If the air permit is revised such that Power Boiler No. 2 is permitted to burn only pipeline quality natural gas and the operation of the CEMS is not required under other applicable requirements, the owner or operator may demonstrate compliance with the NO_x emission limit under paragraph (c)(6) of this section by calculating NO_x emissions using fuel usage records and the applicable NO_x emission factor under AP-42, Compilation of Air Pollutant Emission Factors, section 1.4, Table 1.4-1. Records of the quantity of natural gas input to the boiler for each day must be compiled no later than 15

days after the end of the month and must be maintained by the owner or operator and made available upon request to EPA and ADEQ representatives. Records of the calculation of NO_x emissions for each day must be compiled no later than 15 days after the end of the month and must be maintained and made available upon request to EPA and ADEQ representatives. Each boiler-operating-day of the 30-day rolling average for the boiler must be determined by adding together the pounds of NO_x from that day and the preceding 29 boiler-operating-days and dividing the total pounds of NO_x by the sum of the total number of hours during the same 30 boiler-operating-day period. The result shall be the 30 boiler-operating-day rolling average in terms of lb/hr emissions of NO_x. Records of the 30 boiler-operating-day rolling average for NO_x must be maintained by the owner or operator for each boiler-operating-day and made available upon request to EPA and ADEQ representatives. Under these circumstances, the compliance determination requirements under paragraphs (c)(8)(i) through (iii) of this section would not apply to the NO_x emission limit.

* * * * *

(10) *PM compliance dates for Domtar Ashdown Mill Power Boiler No. 2.* The owner or operator of the boiler must comply with the PM BART requirement listed in paragraph (c)(9) of this section by November 28, 2016.

(11) *Alternative PM Compliance Determination for Domtar Ashdown Paper Mill Power Boiler No. 2.* If the air permit is revised such that Power Boiler No. 2 is permitted to burn only pipeline quality natural gas, this is sufficient to demonstrate that the boiler is complying with the PM BART requirement under paragraph (c)(9) of this section.

* * * * *

[FR Doc. 2019-19877 Filed 9-26-19; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2017-0651; FRL-9996-66]

2-Phenoxyethanol; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of 2-